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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Michael Gerdts et al. Confirmation No.: 8745
Serial No.: 10/785,350 Examiner: J. Hook
Filing Date: February 24, 2004 Group Art Unit: 3752
Docket No.: 1001.1447103 Customer No.: 28075
For: RAPID EXCHANGE STENT DELIVERY SYSTEM AND ASSOCIATED COMPONENTS

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT (37 C.F.R. 1.321(c))

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(i)(B))
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office
at 703-872-9306 on the date shown below.

Kathleen L. Boekley

Type or print name of person signing certification

Kathleen L. Boekley
Signature

December 9, 2004
Date

The owner, SciMed Life Systems, Inc., of full interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,592,549. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent

Appl. No. 10/785,350
Term. Discl. dated December 9, 2004
Reply to Office Action of September 9, 2004

granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

The terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

Respectfully submitted,

SCIMED LIFE SYSTEMS, INC.

By its Attorney,

Date: 12/9/04



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